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1 enough.
2 Q. So a second ago when you said yes to my answer, you just
3 provided me some clarity. Correct?
4 A. Yes.
5 Q. John, I'm handing you Employee Exhibit No. 126. Are you
6 familiar with that document?
7 A. Yes.
8 Q. You were asked by H.R. On Call some questions. But then
9 when you were trying to follow up with a comprehensive
10 written statement, were you -- is this the document you
11 created back in preparation for your interview with H.R. On
12 Call that was to occur April -- I'm sorry, May 28th, 2008?
13 A. Yes.
14 Q. As we take a look at this, this is an affidavit.
15 Correct?
16 A. Yes.
17 Q. And this is one of those affidavits that you had to
18 stand up and swear to and say that all the information
19 contained therein is true to the best of your knowledge.
20 Right?
21 A. Yes, it is.
22 Q. There in No. 2 of Employee Exhibit No. 126, do you
23 explain your reason for making these affidavits?
24 A. Yes, I do.
25 Q. And what's your understanding of the reason for making

1 A. Yes.
2 Q. And then what did you do?
3 A. I transcribed it, put it on paper.
4 Q. And then did you go back and read it and try to respond
5 to the topics that they had presented to you?
6 A. Yes, I spent a lot of time on that.
7 Q. And one of the topics that they presented was, they
8 asked you if you had ever taught creationism or intelligent
9 design. Correct?
10 A. Yes.
11 Q. And there in No. 4, what's your answer to them?
12 A. No, I would not teach creationism or intelligent design.
13 Q. Continuing on there in No. 4 of Employee Exhibit No.
14 126, do you try to articulate what is the definition of
15 intelligent design?
16 A. I do not have a good handle on the definition of
17 intelligent design. It could be a God out in space someplace
18 or -- with intelligent design, it is not a -- I don't have --
19 I don't have a handle on it. I don't understand what they're
20 even talking about with it.
21 Q. No. 5 of Employee Exhibit No. 126, do you make an
22 assertion as to whether or not you would want creationism
23 taught in the public schools?
24 A. Yes, I do make an assertion.
25 Q. And what's your assertion?

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1 these affidavits back in May of 2008?
2 A. To -- that I had the right to do that through the school
3 policy -- well, the school contract, 402.
4 Q. Now, did any of these affidavits ever actually make it
5 into the H.R. On Call report?
6 A. No.
7 Q. Why not?
8 A. Because I never had the second interview with them.
9 Q. Did you even know when the investigation was going to
10 end?
11 A. I've talked about that. No. I didn't know until it
12 came out in the newspaper.
13 Q. So it was your intention to provide this affidavit and
14 any others as your comprehensive written response back in May
15 of 2008?
16 A. Yes, absolutely. That was my right, and that's what I
17 prepared to do. And I was neglected -- I was neglected.
18 I didn't have the opportunity to.
19 Q. There in No. 3, you talk about your difficulty with
20 articulation.
21 A. Yeah. Yes.
22 Q. Going on into the substance of No. 4 -- and let me make
23 sure everybody, or at least this gentleman, Mr. Shepherd,
24 understands. When you prepared these affidavits, did you
25 listen to the audio recording?

1 A. That, no, I do not want creationism taught in the
2 schools.
3 Q. And what's the reason for that?
4 A. Two good reasons. I mean --
5 Q. Let's have both of them.
6 A. Well, I mean, creationism is based on faith. Science is
7 based on scientific method. There -- you're coming from two
8 different directions, from two different -- I wouldn't want
9 it taught, because, one, it's not the right environment.
10 I know I quoted a biblical verse, 1st Peter 3:15. It
11 says, you know, with gentleness and respect, show the hope
12 that you have. And I tell you right now the environment in
13 the classroom is not the place for that to take place.
14 And, second, I wouldn't want my students or my own
15 personal kids to be taught in the schools by somebody that
16 didn't understand or didn't -- didn't understand
17 creationism. They would absolutely make a mess out of it.
18 I think I stated in here do I have -- do I believe in
19 creationism? Yes, I do believe in it. But I'm just trying
20 to think of the author's name. Lee Strobel with *The Case for*
21 *Faith* states that -- and I just like his statement -- you can
22 -- there was a conflict there. Recognize the conflict, and
23 you can enjoy both of them.
24 Q. Do you enjoy science?
25 A. Yes.

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1 Q. Do you enjoy whatever your religious beliefs are?
 2 A. Yes.
 3 Q. And do you agree or disagree that there's some things we
 4 just don't know in the field of science?
 5 A. Yes.
 6 Q. Would you agree or disagree there's some things we just
 7 don't know in the field of creationism?
 8 A. Yes.
 9 Q. And do you accept those unknowns?
 10 A. Yes, I do.
 11 Q. Does it hamper your ability to work within either one of
 12 those domains, either in science or creationism?
 13 A. Absolutely not.
 14 Q. If science is about scientific method, what then is
 15 creationism about?
 16 A. It's based on faith. It's the Bible.
 17 Q. Now, take a look there at No. 6 on page 2 of Employee
 18 Exhibit No. 126. And you start out in No. 6 with "too many
 19 people have an impression of my beliefs because I proposed to
 20 the board in 2003 to teach more evolution." Is that what you
 21 were explaining to us earlier?
 22 A. Yes, it was.
 23 Q. And even in this affidavit, you stated what that you
 24 were trying to propose to do what in 2003?
 25 A. To -- there was a tenth grade standard, and bring it

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1 down to the eighth grade and teach them to critically analyze
 2 evolution, teaching more evolution.
 3 Q. Seventh line down there in No. 6, it says, "All I wanted
 4 to do was make the 10th grade standard an 8th grade
 5 standard." Is that still an accurate characterization?
 6 A. Yes, it is.
 7 Q. You weren't trying to bring something completely new
 8 into the school system?
 9 A. No. I think it's been discussed in here, and I think
 10 it's very clear that there's nothing in the green book here
 11 that says that I cannot teach beyond. And, again, look at my
 12 OAT scores. Come on. I mean, how can my kids pass if I'm
 13 not teaching the standards? Simple as that.
 14 Q. Now, in this affidavit there in No. 6, do you actually
 15 state that Mr. Kuntz helped you understand the process of
 16 taking your proposal to the board?
 17 A. Yes, he did.
 18 Q. So you weren't doing things in secret. Right?
 19 A. No, not at all.
 20 Q. Twelfth line down there in No. 6, it starts with, "I
 21 just wanted to because the kids ask so many questions already
 22 about evolution and some of them bring up GOD in the class."
 23 How often does that happen?
 24 A. Regularly.
 25 Q. Now, you go on to state in the next sentence that

1 there's a lot of Christian kids in your classes.
 2 A. Yeah. You've got to look at the demographics in Mount
 3 Vernon. Yes.
 4 Q. And, but, specifically just to your classes, how can you
 5 tell that these kids appear to be Christian kids?
 6 A. One, I know a lot of them. I know them. I know them.
 7 I've known these kids. I teach Sunday school. Some of them
 8 go to my church. I'm very much aware of some of the other
 9 churches, so I know that they're Christian kids.
 10 Q. Now, there in the very last sentence of No. 6, it
 11 states, "If I could have taught the standard it's my thought
 12 that we could just be honest about the challenges and then
 13 move on because students asked challenging question."
 14 A. They sure do.
 15 Q. Were you out there trying to bring up these challenging
 16 questions?
 17 A. No. No. Kids daily -- some kids more than others --
 18 will bring up some very challenging questions, and I enjoy
 19 that.
 20 Q. Do you try to teach the academic content standards even
 21 when these kids are bringing up these challenging questions?
 22 A. Yes.
 23 Q. Now, there at the beginning of No. 7 of Employee Exhibit
 24 No. 126, you state in there that some of the materials that
 25 you found for your proposal was from an intelligent design

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1 Web site. Right?
 2 A. Yes.
 3 Q. Do you have an impression as to whether or not other
 4 people made assumptions about that material?
 5 A. Yes. I think we've discussed that, yes.
 6 Q. I want to make sure we discuss it. What's your
 7 assumption or what's your impression?
 8 A. That they marked me, tagged me, as a religious fanatic.
 9 Q. Are you a religious fanatic?
 10 A. No.
 11 Q. Are you a fanatic, period?
 12 A. Can I ask you the definition of that one?
 13 Q. There on page 3 of Employee Exhibit No. 126, the first
 14 full sentence states, "I just wanted to use the scientific
 15 method and teach about evolution and encourage the scientific
 16 method which means you keep testing a hypothesis or theory
 17 until it becomes a law."
 18 A. Yes.
 19 Q. Did you have any other ulterior motive, John?
 20 A. No. No.
 21 Q. Even once the academic content standards for the tenth
 22 grade was not adopted to automatically be taught in the
 23 eighth grade, was it mandated? The tenth grade standard
 24 still existed at least until when?
 25 A. 2006.